IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5420 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT CINEMA EXHIBITORS ASSOCIATION
Versus
UNION OF INDIA

Appearance:
MR S.R. SHAH for MR KS NANAVATI for Petitioners
MR HAROOBHAI MEHTA for Respondent No. 1 - Absent
MR L.R. POOJARI, ASSTT. GOVERNMENT PLEADER
for Respondent No. 3, 4

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE KUNDAN SINGH

Date of decision: 05/12/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

When this petition is called out for hearing the learned

Counsel for the petitioners states that the petitioners give up their challenge on the ground of legislative competence of the State to enact the provisions of the Bombay Cenema (Regulation) Act, 1953. It is also stated by the learned Counsel that the rest of the reliefs prayed for by the petitioners will not survive in view of the decision of the Supreme Court in Union of India Vs. The Motion Picture Association, reported in AIR 1999 S.C 2334. In that decision the Supreme Court held that the requirement under the various cenematograph legislations that in each cinema theatre the exhibitor of films must show a film which may be educational or scientific, a documentary film, or a film carrying news or current events, alongwith the other films does not violate Articles 19(1)(a) or (g) of the Constitution of India. It was held that the social context of any such legislation cannot be ignored. Requiring an entertainment media like cinema theatre to show for a short duration of its programme, films which educate and impart information cannot be considered as an unreasonable restriction on the right to carry on business. It was further held that the purpose of the requirement that the exhibitors before their licence is renewed should obtain a "no objection" certificate from the Films Division is to ensure that the statutory requirements have been complied with by the licencee in the previous year and this provision therefore does not violate Article 19(1)(a) of the Constitution of India and is not in restraint of free speech and expression. Therefore, the provisions of Article 19(2) are not attracted. Since admittedly the present petition which raises similar issues does not survive in view of the ratio of the decision of the Supreme Court in Union of India Vs. The Motion Picture Association (supra), the petition is rejected. Rule is discharged with no order as to costs.

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